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RESTON, VA 20191

EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/769,274

Applicant(s)

YAMAMOTO, YASUHIRO

Examiner

Charlotte M Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's amendment filed on 11/08/2004 regarding the objection to claim 6 is acknowledged, and the objection to claim 6 is hereby withdrawn.
2. Applicant's amendment filed on 11/08/2004 regarding the 35 USC § 112, second paragraph rejection of claims 1 and 6 is acknowledged and the rejection is hereby withdrawn.
3. Applicant's arguments filed on 11/08/2004 with respect to the rejections of claims 1 and 3-6 under 35 USC § 102 (b) have been fully considered but they are not persuasive.
4. In response to Applicant's argument that there is no indication that an image related to control of the image reading device, which is indicated on the second monitor, can also be indicated on the first monitor (see Applicant's remarks, p. 8 regarding the rejection of claim 1), Examiner respectfully traverses Applicant's arguments. Ueno et al. disclose a computer 30, which sends commands to electronic camera 10, and the electronic camera 10 responds by making appropriate adjustments that were commanded by computer 30 (col. 13, ln. 22-30 and 47-52).
5. With regard to Applicant's argument (see p.8, first full par.) that merely because two components are connected by a communication line that they cannot display identical data on two monitors. Examiner respectfully traverses Applicant's argument. The information that is read from the electronic camera 10 is displayed on monitor display unit 5 (see col. 11, ln. 35-36) and the corrected data from electronic camera is sent to host computer 30 to be displayed on display unit 40 (see col. 11, ln. 39-45). In Fig. 2, there is a communication I/F 33 and 17 between host computer 30 and electronic camera 10 respectively. As long as this

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communication connection is not broken, the images at display 40 and display 5 will be simultaneously displayed.

6. With regard to Applicant's argument (see p. 9, first full par.), Examiner respectfully traverses Applicant's argument. The control parameters ("Adjust") are clearly referred to as including exposure, black-balance, and white-balance items (see col. 15, ln. 10-11). Both display devices display the images based upon these adjustments (control parameters).

7. With regard to Applicant's argument (see p. 9, second full par.), Examiner respectfully traverses Applicant's argument. It is shown in Fig. 2, items 33 and 17 (communication I/F) respectively connect host computer 30 and electronic camera 10. If the two communication I/F are connected, then the host computer 30 and the electronic camera 10 are also connected to each other.

8. With regard to Applicant's argument (see p. 10, first three lines), Examiner respectfully traverses Applicant's argument. Applicant argues there is no teaching therein that the monitor of the camera (i.e., the first monitor) can indicate the second image which is related to control of the image reading device. Ueno et al. disclose a computer 30, which sends commands to electronic camera 10, and the electronic camera 10 responds by making appropriate adjustments that were commanded by computer 30 (col. 13, ln. 22-30 and 47-52). The information that is read from the electronic camera 10 is displayed on monitor display unit 5 (see col. 11, ln. 35-36) and the corrected data from electronic camera is sent to host computer 30 to be displayed on display unit 40 (see col. 11, ln. 39-45).

9. With regard to Applicant's argument (see p. 10, first three lines), Examiner respectfully traverses Applicant's argument. Applicant argues there is no capability of controlling the image

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reading device via the monitor provided on the image reading device. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., controlling the image reading device via the monitor provided on the image reading device) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. In response to applicant's argument that there is no suggestion to combine the references in regard to claim 2, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Yamamoto discloses that a display device used for image representation may be a CRT or LCD used as a monitor (col. 7, ln. 16-17). It is well known in the art that a LCD monitor provides improved resolution and less energy consumption (better power efficiency) than a CRT monitor; therefore, motivation to combine the Ueno et al. and Yamamoto references does exist.

#### ***Claim Objections***

11. Claim 6 is objected to because of the following informalities: replace "information related to control of sad image reading device" with -- information related to control of said image reading device--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 3-6, and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al. (5,479,206).

**Regarding claim 1:** Ueno et al. disclose an image reading system (Fig. 1) comprising: an image reading device (Fig. 1, electronic camera 10) that has a first monitor (Fig. 1, monitor unit 5) provided for indicating a first image read by said image reading device (Fig. 1, electronic camera 10) (col. 11, ln. 35-36); and a computer (Fig. 1, host computer 30) that is connected to said image reading device (Fig. 1, electronic camera 10) (see Fig. 1 bidirectional connection between host computer 30 and electronic camera 10), said computer (Fig. 1, host computer 30) having a second monitor (Fig. 1, display unit 40) for indicating a second image (control parameters) related to a control of said image reading device (Fig. 1, electronic camera 10) (col. 2, ln. 57-62) and (Figs. 8-23 show the display possibilities of the computer system monitor and the ability to control the electronic camera 10 from the computer system side); said first monitor (Fig. 1, monitor unit 5) being able to indicate said second image (control parameters). Ueno et al. discloses that the host computer 30 is connected to the electronic camera 10 by a communication line in col. 11, ln. 29-30. Ueno et al. also discloses the ability to have a monitor connected to each component of the communication line in col. 13, ln. 34-40. This section shows that it is possible to view the image generated on the camera side at the computer side.

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Since the communication line between the host computer 30 and the electronic camera 10 is bidirectional, it can be concluded that it is possible to view elements of each side at any monitor that is connected to either the host computer 30 or the electronic camera 10. Furthermore, Ueno et al. discloses observance of the controlled variable on the imaging side and the computer side in col. 6, ln. 26-30, which shows that the control parameter can indeed be viewed on the host computer 30 monitor (40) and the electronic camera monitor (5).

**Regarding claim 3:** Ueno et al. satisfy all the elements of claim 1. Ueno et al. further disclose wherein said computer (Fig. 2, host computer 30) comprises a computer video memory (Fig. 2, camera control parameter memory 32) in which video data, corresponding to said second image (control parameters), is stored, and a video data transmitting processor (Fig. 2, CPU 31) that transmits said video data to said image reading device (Fig. 2, electronic camera 10) (col. 13, ln. 17-20 and 22-31).

**Regarding claim 4:** Ueno et al. satisfy all the elements of claim 3. Ueno et al. further disclose wherein said image reading device (Fig. 2, electronic camera 10) comprises an internal video memory (Fig. 2, main memory 17) in which said video data transmitted from said computer (Fig. 2, host computer 30) can be stored (col. 13, ln. 2-4, reception buffer 17D is a part of the main memory 17).

**Regarding claim 5:** Ueno et al. satisfy all the elements of claim 4. Ueno et al. further disclose wherein said image reading device (Fig. 2, electronic camera 10) comprises a video data writing processor (Fig. 2, camera control parameter memory 17B) that writes said video data in said internal video memory (Fig. 2, main memory 17) when receiving a write command signal transmitted from said computer (Fig. 2, host computer 30) (col. 18, ln. 38-47).

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**Regarding claim 6:** Ueno et al. disclose an image reading system (Fig. 1) comprising: an image reading device (Fig. 1, electronic camera 10) including a first monitor (Fig. 1, monitor unit 5) configured to indicate an image read by said image reading device (Fig. 1, electronic camera 10) (col. 11, ln. 35-36); and a computer (Fig. 1, host computer 30) that is connected to said image reading device (Fig. 1, electronic camera 10) (see Fig. 1 bidirectional connection between host computer 30 and electronic camera 10) and including a second monitor (Fig. 1, display unit 40) configured to indicate said image, said computer (Fig. 1, host computer 30) being configured to control said image reading device (Fig. 1, electronic camera 10) (col. 2, ln. 57-62) and (Figs. 8-23 show the display possibilities of the computer system monitor and the ability to control the electronic camera 10 from the computer system side) and to display, as an image (See Figs. 8-23), information related to control (See Figs. 8-23) of said image reading device (Fig. 1, electronic camera 10); said first monitor (Fig. 1, monitor unit 5) being able to indicate the same image as that of said second monitor (Fig. 1, display unit 40). Ueno et al. discloses that the host computer 30 is connected to the electronic camera 10 by a communication line in col. 11, ln. 29-30. Ueno et al. also discloses the ability to have a monitor connected to each component of the communication line in col. 13, ln. 34-40. This section shows that it is possible to view the image generated on the camera side at the computer side. Since the communication line between the host computer 30 and the electronic camera 10 is bidirectional, it can be concluded that it is possible to view elements of each side at any monitor that is connected to either the host computer 30 or the electronic camera 10. Furthermore, Ueno et al. discloses observance of the controlled variable on the imaging side and the computer side in col.



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6, ln. 26-30, which shows that the control parameter can indeed be viewed on the host computer 30 monitor (40) and the electronic camera monitor (5).

**Regarding claim 8:** Ueno et al. satisfy all the elements of claim 6. Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 9:** Ueno et al. satisfy all the elements of claim 8. Arguments analogous to those stated in the rejection of claim 4 are applicable.

**Regarding claim 10:** Ueno et al. satisfy all the elements of claim 9. Arguments analogous to those stated in the rejection of claim 5 are applicable.

**Regarding claim 11:** Ueno et al. satisfy all the elements of claim 1. Ueno et al. further disclose wherein said second monitor (Fig. 1, display unit 40) of said computer display (Fig. 1, display unit 40) is configured to a second image (control parameters) that relates to the operation of said image reading device (Fig. 1, electronic camera 10) (Fig. 8, and col. 14, ln. 43-56).

**Regarding claim 12:** Ueno et al. satisfy all the elements of claim 11. Ueno et al. further disclose wherein said image reading device (Fig. 1, electronic camera 10) is configured to be operated by said computer (Fig. 1, host computer 30) (col. 11, ln. 49-53).

**Regarding claim 13:** Ueno et al. satisfy all the elements of claim 1. Ueno et al. further disclose wherein said image reading device (Fig. 1, electronic camera 10) reads said first image from a film (negative-film photography) positioned in said image reading device (Fig. 1, electronic camera 10) (col. 15, ln. 36-41).

**Regarding claim 14:** Ueno et al. satisfy all the elements of claim 1. Ueno et al. further disclose said first monitor (Fig. 1, monitor unit 5) being integrated in said image reading device (Fig. 1,

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electronic camera 10). Ueno et al. disclose in col. 11, ln. 35-38 that the display unit 5 may be a viewfinder integrated with the electronic camera 10.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al. in view of Yamamoto (6,668,096).

**Regarding claim 2:** Ueno et al. satisfy all the elements of claim 1.

Ueno et al. fail to specifically address a LCD as a display monitor.

Yamamoto discloses a liquid crystal display used as a monitor (col. 7, ln. 16-17).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a LCD as the monitor (described by Yamamoto as an option) of Ueno et al. (display unit 5) to improve resolution and power efficiency, which are advantages of a LCD over a CRT monitor.

**Regarding claim 7:** Ueno et al. satisfy all the elements of claim 6. Arguments analogous to those stated in the rejection of claim 2 are applicable.

16. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al.

**Regarding claim 15:** Ueno et al. satisfy all the elements of claim 1. Ueno et al. further disclose wherein said first monitor (monitor unit 5) of said image reading device (Fig. 1, electronic

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camera 10) and said second monitor (Fig. 1, display unit 40) of said computer (Fig. 1, host computer 30).

Ueno et al does not specifically address are configured to simultaneously display a same image. If there is no break in connection between the communication I/F 33 and the communication I/F 17, which connect host computer 30 and electronic camera 10 respectively, the corrected images will be displayed simultaneously. This limitation is implicit based upon the communication I/F 33 and 17 not being broken.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (571)272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (571)272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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